

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,	:	Case Nos. 3:11-cr-15
	:	3:14-cv-53
Plaintiff,	:	
	:	Judge Timothy S. Black
vs.	:	Magistrate Judge Michael R. Merz
	:	
JAKOVA K. JAMES-SIMS,	:	
	:	
Defendant.	:	

DECISION AND ENTRY: (1) ADOPTING THE REPORT AND RECOMMENDATIONS OF THE MAGISTRATE JUDGE (Doc. 68) IN ITS ENTIRETY; (2) DISMISSING DEFENDANT’S MOTION TO VACATE (Doc. 67) WITH PREJUDICE; (3) DENYING A CERTIFICATE OF APPEALIBILITY; AND (4) CERTIFYING THAT AN APPEAL WOULD BE OBJECTIVELY FRIVOLOUS AND DENYING LEAVE TO APPEAL IN FORMA PAUPERIS

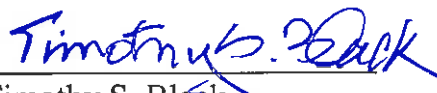
This case is before the Court on the Report and Recommendations of United States Magistrate Judge Michael R. Merz. (Doc. 68). The Magistrate Judge recommends that Defendant’s Motion to Vacate (Doc. 67) be dismissed with prejudice, that Defendant be denied a certificate of appealability and that the Court certify that an appeal would be objectively frivolous. Defendant did not file any objections to the Report and Recommendations of the Magistrate Judge and the time for doing so has expired. Accordingly, the issues are ripe for decision by the Court.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered the issues presented *de novo*. Based on that review, the Court: (1) **ADOPTS** the Report and

Recommendations of the Magistrate Judge (Doc. 68) in its entirety; (2) **DISMISSES** Defendant's Motion to Vacate (Doc. 67) **WITH PREJUDICE**; (3) **DENIES** Defendant any requested certificate of appealability; and (4) **CERTIFIES** that an appeal would be objectively frivolous and, therefore, **DENIES** Defendant leave to appeal *in forma pauperis*. This case should be closed on the Court's docket.

IT IS SO ORDERED.

Date: 5/22/2014



Timothy S. Black
United States District Judge